

AUG 15 2005

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# Fax

To: Information Disclosure Statement  
Art Unit 3623  
Examiner: Tariq R. Hafiz

From: [X] Michele Zarinelli, Legal Secretary

**Fax:** 571-273-8300 **Pages:** 6

**Phone:** **Date:** August 15, 2004

**Re:** Information Disclosure Statement  
10/812,857

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AUG 15 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

) Group Art Unit: 3623

Joseph S. Cox

) Examiner: Hafiz, Tariq R.

)

Serial No.: 10/812,857

Filed: March 29, 2004

Atty. File No.: PAT-005A

For: EMPLOYEE SCHEDULING AND SCHEDULE MODIFICATION METHOD AND APPARATUS

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO-1449 are being called to the attention of the Examiner.

- Copies of the cited foreign patents and/or U.S. patents and/or non-patent references are enclosed herewith.
- Copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of the U.S. patents and U.S. patent application publications.
- Are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. 09/437,833 filed November 9, 1999, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

To the best of the applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile on the date shown below.

August 15, 2005  
Date of Deposit

Michelle Zanelli  
Michelle A. Zanelli

## PATENT

Examiner's attention is directed to the following co-pending application(s) for which priority is not being claimed, copies have been or are being submitted:

Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)

Examiner's attention is directed to the following co-pending application(s), to which the current application claims priority, copies of at least the claims for such pending application are provided or have been provided:

Serial No. 09/437,833 filed November 9, 1999 (Atty. Dkt. No. PAT-005)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)  
Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dkt. No. \_\_\_\_\_)

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record hereon.

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## FEES

	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the Information Disclosure Statement submitted herewith satisfies one of the following conditions ("✓" indicates satisfaction):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</li> <li><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491, or</li> <li><input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</li> <li><input type="checkbox"/> Before the mailing of a first Office Action after the filing of a Request for Continued Examination (RCE) under 37 CFR 1.114.</li> </ul> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 501880.</p>
	<p><b>37 CFR 1.97(c):</b> The Information Disclosure Statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> (1) a final action under 37 C.F.R. 1.113, or</li> <li><input type="checkbox"/> (2) a notice of allowance under 37 C.F.R. 1.311, or</li> <li><input type="checkbox"/> (3) an action that otherwise closes prosecution in the application.</li> </ul> <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(c). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 501880</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Enclosed is PTO 2038 (Credit Card Payment Form) in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an Information Disclosure Statement. Please credit any overpayment or charge any underpayment to Deposit Account 501880.</li> </ul>
	<p><b>37 C.F.R. 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 C.F.R. 1.97(c).</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> This Information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(c)</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 501880. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</li> </ul>

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**Certification (37 C.F.R. 1.97(e))**  
(Applicable only if checked)

The undersigned certifies that:

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).  
A copy of the communication from the foreign patent office is enclosed.

OR

No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,  
WEST CORPORATION

Dated: 8/12/05

By: Raffi Giostanian  
Raffi Giostanian  
Reg. No. 42,595  
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**29129**

PATENT & TRADEMARK OFFICE

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

1

Complete If Known	
Application Number	10/812,857
Filing Date	March 29, 2004
First Named Inventor	Joseph S. Cox
Art Unit	3623
Examiner Name	HAFIZ, TARIQ R
Attorney Docket Number	PAT-005A

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
36		University of California Human Resources and Benefits Department. "Personnel Policies for Staff Members". July 1, 1998. < <a href="http://xtronservice.ucop.edu/employees/policies/staff_policies/soc33.htm">http://xtronservice.ucop.edu/employees/policies/staff_policies/soc33.htm</a> >.	
37		University of Texas Health Science Center at Houston. "Shift Differential Pay". Nov. 1998. < <a href="http://uth.tmc.edu/ut_general/admin_fin/planning/pub/hoop/05/5_07.html">http://uth.tmc.edu/ut_general/admin_fin/planning/pub/hoop/05/5_07.html</a> >.	
38		University of Houston Manual of Administrative Policies and Procedures. "Shift Differential Pay". August 22, 1996. < <a href="http://www.uh.edu/mapp/02/20105pro.htm">http://www.uh.edu/mapp/02/20105pro.htm</a> >.	
39		University of Missouri Human Resources Policy Manual. "Shift Differential Compensation". Sept. 26, 1997. < <a href="http://umsystem.edu/departments/hr/manual/213.shtml">http://umsystem.edu/departments/hr/manual/213.shtml</a> >.	
40		University Professional & Technical Employees Contract. "Article 35: Shift Differential". July 12, 1997. < <a href="http://www.upte.org/tx/contract/art35shiftdif.html">http://www.upte.org/tx/contract/art35shiftdif.html</a> >.	
41		RN, "Index of Employers (Hospital Profiles) (Nursing Opportunities Supplement)". Jan 1988.	

Examiner Signature	/Brandi Parker/	Date Considered	11/22/2008

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language translation is attached. This collection of information is required by 37 CFR 1.96. The information is required to obtain or retain a benefit by the public which is to the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including time for preparation, review and sending the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time required to complete this collection should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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